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Facsimile Transmittal

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OCT 11 2004

To:	Examiner Jeffrey R. Jastrzab Art Unit: 3762	Fax:	(703) 872-9306
From:	Patrick J.S. Inouye	Date:	October 11, 2004
Re:	U.S. Patent Application Serial No. 10/646,084	Pages:	7 (including cover sheet)
CC:			
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Notes:

Examiner Jastrzab:

Please find attached the following documents regarding the above-identified U.S. patent application.

- USPTO Transmittal Form
- USPTO Fee Transmittal Form
- Credit Card Payment for \$110.00
- Office Action Response
- Terminal Disclaimer To Obviate A Double Patenting Rejection Over Prior Patents

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PTO/SB/21 (04-04)

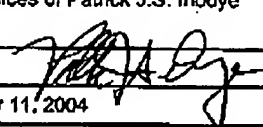
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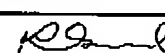
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/646,084
	Filing Date	August 22, 2003
	First Named Inventor	Bardy, Gust H.
	Art Unit	3782
	Examiner Name	Jeffrey R. Jastrzeb
Total Number of Pages in This Submission	Attorney Docket Number	020.0343.US.CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Law Offices of Patrick J.S. Inuye
Signature	
Date	October 11, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Krystyna Szul		
Signature		Date	October 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number 10/846,084
 Filing Date August 22, 2003
 First Named Inventor Bardy
 Examiner Name Jeffrey R. Jastrzab
 Art Unit 3762
 Attorney Docket No. 020.0343.US.CON

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account

Deposit Account Number 503031
 Deposit Account Name Law Offices of Patrick J.S. Inouye

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE					
Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims Independent Claims -20** -3**
 Extra Claims X X
 Fee from below =
 Fee Paid =

Large Entity Fee Code		Small Entity Fee Code			
Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
1202	16	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	**Reissue independent claims over original patent	
1205	16	2205	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,620	For filing a request for <i>ex parte</i> reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	960	2253	490	Extension for reply within third month	
1254	1,530	2254	785	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	680	2503	330	Plant issue fee	
1480	130	2480	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	2808	180	Submission of Information Disclosure Sheet	
8021	40	28021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	780	2801	385	Request for Continued Examination (RCE)	
1802	900	2802	900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimer

110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

SUBMITTED BY

Name (Print/Type) Patrick J.S. Inouye Registration No. 40297 Telephone (206) 381-3900
 Signature [Signature] (Attorney/Agent) Date October 11, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Response to First Office Action
Docket No. 020.0343.US.CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 *In re* Application of)
Gust H. Bardy) Group Art Unit: 3762 RECEIVED
Serial No. 10/646,084) CENTRAL FAX CENTER
Filed: August 22, 2003) Examiner: Jeffrey R. Jastrzab OCT 11 2004
10 For: System And Method For Providing)
Feedback To An Individual Patient For)
Automated Remote Patient Care)

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RESPONSE TO FIRST OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
20 Alexandria, VA 22313-1450

Examiner Jastrzab:

In response to the Office action mailed on September 29, 2004 for the above-referenced patent application, please consider the following remarks.

25 Claims 1-23 are pending. No claims have been amended. Claims 1-23 remain in this application. No new matter has been entered.

Claims 1-23 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-23 of commonly-assigned U.S. Patent No. 6,203,495 ('495), Claims 1-62 of commonly-assigned U.S. Patent No.
30 6,312,378 ('378), Claims 1-15 of commonly-assigned U.S. Patent No. 6,331,160 ('160), and Claims 1-19 of commonly-assigned U.S. Patent No. 6,478,737 ('737).

A Terminal Disclaimer is enclosed disclaiming the terminal part of any patent granted on the instant patent application that would extend beyond the expiration dates of the '495, '378, '160, and '737 patents. Withdrawal of the
35 rejection for double-patenting is respectfully requested.

The prior art made of record and not relied upon has been reviewed by the applicant and is considered to be no more pertinent than the prior art references already applied.

OA Response

- 1 -